

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 3-5, 8 and 9 are presently active in this case, Claim 1 having been amended and Claim 10 having been canceled without prejudice or disclaimer by way of the present Amendment.

Care has been taken such that no new matter has been entered by the amendments set forth herein. Support for the amendment can be found, for example, in paragraph [0024] and Figure 1.

Claims 1-5 and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (U.S. Patent No. 6,267,142) in view of Wong (U.S. Patent No. 6,247,903) and Cadeo et al. (U.S. Patent No. 4,964,732) and Trooper (U.S. Patent no. 3,948,490). For the reasons discussed below, the Applicant requests the withdrawal of the obviousness rejection.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either taken singularly or in combination, fail to teach or suggest all of the claim limitations.

Claim 1 of the present application recites an apparatus for preparing and supplying a slurry to a chemical mechanical polishing machine. The apparatus comprises, among other

features, recirculation systems each including a recirculation pump for recirculating the liquid components, and draw ports each connected to a respective recirculation system for separately drawing therethrough the liquid components. The apparatus further comprises feed pumps arranged on feed lines for liquid components, etc. The Applicant respectfully submits that none of the cited references, either singularly or in combination, teaches such recirculation systems in the configuration recited in Claim 1.

The Official Action cites the Wong '903 for the teaching of a recirculation line (121). Firstly, the Applicant notes that feature (121) described in the Wong '903 reference is a "bypass line 121" and not a recirculation line as indicated in the Official Action. In fact, the bypass line (121) could not act as a recirculation line, since the check valve (128) would prevent flow from tee connection (134) through check valve (128) to tee connection (132).

Additionally, the Applicant notes that the Official Action also cites the Wong '903 reference for the teaching of the combination of a pressure regulator (124) and a pulse dampener (122). In the Wong '903 reference, a pump (120) is described in combination with a pulse dampener (122), a pressure regulator (124) and a filter (126) within a booster pump (102). The booster pump (102) is provided in between the water supply (106) and the cleaning systems (104a, 104b). The Applicant submits that the Wong '903 reference cannot be cited for the teaching of a recirculation system of the present invention, which is upstream of and separate from the feed pump of the present application, as well as for the teaching of dampers and pressurization valves of the present invention, which are arranged in combination with the feed pumps of the present invention. In other words, even assuming for the sake of argument that the Wong '903 reference does teach a recirculation line, the Applicant submits that such a teaching would suggest (again for the sake of argument) that

such a recirculation line would be provided with respect to a feed pump (e.g., feed pumps 5 in Figure 1 of the present application), and not with respect to the system upstream of the draw ports (e.g., draw ports 3 in Figure 1).

The other cited references do not teach or suggest the recirculation systems recited in Claim 1 of the present application. Accordingly, the Applicant submits that a *prima facie* case of obviousness has not been established with respect to Claim 1 because none of the references, either taken singularly or in combination, teach or suggest all of the claim limitations. Thus, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 1.

Claims 3-5, 8, and 9 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of Claim 1.

Claims 1-5, 8, and 9 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 of U.S. Patent No. 6,767,124 in view of Wong et al. '142 and Cucci et al. (U.S. Patent No. 5,672,832) and Troope. Claim 10 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-8 of U.S. Patent No. 6,767,124 in view of Wong et al. '142, Cucci et al., Troope, and Wong '903. The Applicant requests the withdrawal of the double patenting rejections for the reasons discussed below.

As mentioned above, the Wong et al. '142, Troope, and Wong '903 references do not teach or suggest the recirculation systems recited in Claim 1 of the present application. The Cucci et al. reference also fails to disclose or even suggest such a feature. Furthermore, the

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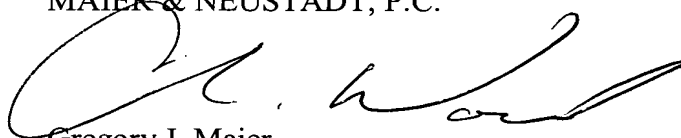
Applicant notes that Claims 1-8 of U.S. Patent No. 6,767,124 do not recite recirculation systems. The Applicant further notes that the remainder of the disclosure in U.S. Patent No. 6,767,124 cannot be used against the claims of the present application in such a double patenting rejection.

Accordingly, the Applicant respectfully requests the withdrawal of the double patenting rejection of Claims 1-5, 8, and 9.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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